

# Notice of Allowability

Application No.

09/854,623

Applicant(s)

VERNON, STEPHEN K.

Examiner

Derrick W. Ferris

Art Unit

2616

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview 5/1/2006.
2. ☒ The allowed claim(s) is/are 1, 3-5, 6, 7, 10, 16, 17, 19, 21-23, and 29 renumbered as 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
3/4/06  
DERRICK FERRIS  
PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 5/1/2006, Chris P. Harris requested an extension of time for one MONTH(S) and authorized the Director to charge Deposit Account No. 20/0090 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

#### **In the claims:**

1. (Currently Amended) A method of controlling a data rate in a network, comprising:
  - placing data packets into a data stream in a network;
  - routing said data stream through a delay device;
  - receiving the data rate as an input to a low pass filter;
  - delaying the selected data of the data stream in said network by storing the selected data in memory buffers for a ~~fixed~~ variable delay amount to control the data rate to increase latency of the network; and
  - determining the amount of time the selected data is stored in the memory buffers based on an amount of delay stored in a configuration table, the amount of delay being variably controlled by an output of the low pass filter.

Art Unit: 2616

3. (Currently Amended) The method according to claim 1, wherein the ~~fixed~~ variable delay amount is stored in the configuration table, and said delay device consults the configuration table to determine when to release the selected data from the memory buffers.

6. (Currently Amended) An apparatus for controlling a data rate in a network, comprising:

at least one first processor connected to said network;

at least one second processor connected to said network; and

a delay processor for controlling the data rate in said network, the delay processor comprising a low pass filter operative to receive the data rate as an input, the delay processor being operative to store data packets in a plurality of memory buffers for a ~~fixed~~ variable amount of time and releasing the data packets after the ~~fixed~~ variable amount of time to increase latency of the network, the delay processor comprising a clock circuit and a controller operative to determine the fixed amount of time the data packets are stored in the memory buffers based on an amount of delay stored in a configuration table, the amount of delay being variably controlled by an output of the low pass filter, the controller being further operative to store a release time in the memory buffers along with the data packets, the release time corresponding to a time at which the data packets are to be released from the memory buffers by the controller.

10. (Currently Amended) The apparatus according to claim 6, wherein the ~~fixed~~ variable amount of time is stored in the configuration table, the delay processor consulting the configuration table to determine when to release the data packets from the memory buffers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris  
Examiner  
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DWF

 5/4/06  
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